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January 14, 2004

Mr. John Rampe
Department of Energy (DOE) Rocky Flats Field Office
10808 Highway 93
Suite A
Golden, CO 80403-4775

RE: Rocky Flats - Water Rights

Dear Mr. Rampe:

This letter is being sent to you as a reminder that we retained the following water rights through the Rocky Flats Property when the Government took this property over:

- Church/McKay Ditch Rights
- Storage Rights in upper and lower Church Ponds, Section 13in and through Rocky Flats Property
- Specifically Ditch Rights from Smart Reservoir to and from the upper and lower Church Ponds
- Toe Spring Structures in Section 13 below lower Church Pond
- Ditch Rights that go via Woman Creek and other ditches to Mower Reservoir (which could also continue easterly).

Please do not remove or alter head gates, ditches, or diversions. We plan on continued use of these facilities. If there are issues or questions that come up please feel free to contact us.

Very truly yours,

CHURCH RANCH

Charles C. McKay

CCM/krm

cc: Wally Welton, Consolidated Mutual Water

Mr. Stover - would you pls verify that we're not affecting any of these? Thx. After you do, I'll prepare a quick response. JR

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consist of steep walls and narrow corridors. She asked how they would ensure that the size of the fragments from the structure above would be small enough to pack the canyon-laced basement. Randy replied the pictures are deceiving in that the area she is referring to is actually 25-feet wide, and generally the demolition technique would fracture concrete and turn it to rubble. Lisa asked if they would be able to use different materials and fragment them to a particular size. Kelly said they could control fragment size to a certain point but there would be void spaces.

Randy continued explaining the DOP modification and stated that areas exceeding proposed action levels will be decontaminated and/or removed. Verification sampling following decontamination activities will include additional cores, in-situ gamma specs and/or direct survey measurements. The demolition plan will detail how areas of fixed contamination will be protected during demolition activities, and how the project will adequately mitigate potential areas of void space. Melissa Anderson asked them to explain why they are choosing to use explosives. Kelly explained that these deep basements are 45 feet underground and conventional demolition techniques would be difficult with a structure of this size. Gary Brosz asked about the upper floors pancaking down, and asked if the floors participate in holding up the structure and if walls would still support the remaining structure. Kelly said they would pancake the densest areas with explosives but leave structures essential for support, such as armored walls, so there would not be a big open hole.

Hank asked if the demolition plans would be completed all at once or piece by piece. Kelly said this modification is part of the demolition plans, but there would also be specific monitoring plans for the demolition. Steve Gunderson (CDPHE) added that since this will be one [redacted] buildings to come down they will be able to apply lessons learned from B771, and B7[redacted] Hank asked if the Washington Group has experience in demolishing buildings of this [redacted] said the contractor is very experienced; they were Weldon Spring's prime contractor a[redacted] worked on Rocky Flats' B770. Paul stated it will not be a complete cleanup in the en[redacted] a billion dollar cleanup due to these types of difficult buildings. He raised concerns o[redacted] of discussion of how much hazardous material would be left in place. Sam agreed. Jo[redacted] (DOE) said they wanted to provide the Board with information early on so the Board [redacted] an early involvement in the process. He said characterization is not yet complete and [redacted] answers are not yet apparent, but the Site would get answers to the Board's questions.

Drainage and Pond Configuration

Joe Legare (DOE) briefed the Board on surface water management planning and began by reviewing the Site's water management goals and describing the primary drainages and ponds. North and South Walnut Creek receive runoff from the Industrial Area and each creek contains a series of detention ponds. The South Interceptor Ditch (SID) captures runoff from the south side of the Industrial Area, which is then routed to Pond C-2. Woman Creek flows to the south of the Industrial Area and south of the SID, and then flows through Pond C-1 and around C-2. Rock Creek flows through the North Buffer Zone, but is not relevant to these discussions. Joe described how terminal ponds capture flow from North and South Walnut Creek and the SID. The terminal ponds are the largest, most downstream pond in each drainage and are actively

managed, requiring valves or pumping for release of water. The interior ponds are essentially passive. Joe also clarified that Pond C-1 is flow through and Pond C-2 is released once or twice annually. Additionally, numerous drains, pipes, ditches and culverts in the Industrial Area route storm water flows. Broomfield manages water from Walnut Creek at Great Western Reservoir and Westminster manages their water from Woman Creek at Woman Creek Reservoir.

Joe then described current surface water quality and flow. The RFCA standards for plutonium and americium are each 0.15 pCi/L. The average plutonium concentrations from 1997 to 2001 were 0.012 pCi/L on Walnut Creek at Indiana Street, and 0.005 pCi/L on Woman Creek at Indiana Street. The average flows in that time range were 0.7 cubic feet per second (cfs) on Walnut Creek at Indiana Street, and 0.4 cfs on Woman Creek at Indiana Street. Joe explained that these flows would decrease after closure due to: 1) removal of impervious surfaces and the resulting decreased runoff; 2) removal of the sewage treatment plant and its discharges to South Walnut Creek; and, 3) removal of the potable water system which leaks and contributes to the current Site water balance.

Joe next walked through the proposed post-closure surface water configuration as follows:

- Retain North Walnut Creek Terminal Pond (A-4) and Pond A-3
  - Account for 83% of current retention capacity
  - Continue current operational mode of hold and release (after sampling)
  - Monitor dam conditions, water quality, water level
- Convert Ponds A-1 and A-2 to flow-through structures, probably with small pools
  - May retain storm water bypass around A-1 and A-2
- Retain South Walnut Creek Terminal Pond (B-5)
  - Accounts for 87% of current storage
  - Continue current operational mode
- Convert Ponds B-1, B-2, B-3, and B-4 to flow-through structures, probably with small pools
  - May retain storm water bypass around upper B-series ponds
- Retain SID and Pond C-2 configuration
  - Continue current operational mode
- Retain Woman Creek flow-through at C-1
  - Notch C-1 dam, insert stoplogs to retain current pool and flow-through operations
- Examine potential benefits of extending SID eastward (this will be considered in the 903 Lip Area decision document)

Joe also reviewed the comprehensive evaluation of the Industrial Area post-closure configuration which is being done in the IA Reconfiguration Plan. The Site is considering ways to landscape in order to mimic natural Site topography and flow, including: localized regarding around individual buildings and revegetation of disturbed areas with native species; removal or plugging of pipes, drains, and culverts; and, establishing stable drainages in key locations. Surface water flows generally west to east and south to north.

In closing, Joe previewed next steps. The Site must select a specific engineering approach for the ponds and finalize the Industrial Area drainage approach, ensuring integration between each. They will also analyze environmental impacts via the NEPA process and drafting an Environmental Assessment which will provide for public comment. The actual physical work is scheduled for 2004-2005, with Pond C-1 safety upgrades (repair to leak in dam) prioritized for spring 2004.

The Board then had a lengthy discussion on remediation of contaminated pond sediments as surface soils, specifically the B-series ponds as they have the potential to dry out once the sewage treatment plant is removed. Joe stated he is forecasting the decision will be not to remediate, but the basis of this decision will be transparent. He said he would get information on the characterization data to Coalition staff. Sam Dixion and Ron Hellbusch also raised the issue of dredging the sediment out of Pond C-1 while repairing the dam so that it would have a larger holding capacity. John Rampe (DOE) said the Site is considering this option but a decision has not yet been made. Joe also clarified that the decision regarding remediating sediments would be addressed separately from surface water configuration planning.

Karen Imbierowicz asked if there is any chance for contamination in Rock Creek. Joe responded that there has been sampling, and there will be future sampling (as part of the final Comprehensive Risk Assessment), which have confirmed there are no issues of contamination in that area. Additionally, there have been no historical reports of releases. Gary Brosz asked about reviewing the planning alternatives in order to determine why their proposed alternative was chosen. Joe said the Environmental Assessment will capture this analysis, which will be a four or five month process. Mike Bartleson emphasized that elimination of all the ponds would not be an acceptable option and Joe agreed.

Funding for National Wildlife Refuges

David Abelson explained that at the September Board meeting Paul Danish had raised the question of funding for refuges at current or former defense facilities. The issue raised is that these facilities require special and unique management and planning needs and thus funding from typical USFWS funding streams may be insufficient to address these unique sites. David stated one of the key elements of the refuge bill was that management of residual contamination was to remain the responsibility of DOE and that authority would not transfer over to USFWS. Another provision creates a planning and managing hierarchy, allowing cleanup and long-term stewardship to trump refuge management.

David also provided information regarding the USFWS refuge cleanup program, which includes investigation, monitoring, and prevention. The program is not exactly on-point for this conversation, as USFWS is not responsible for response actions at Rocky Flats nor for maintaining remedies. However, it is possible to envision a situation where USFWS would end up bearing additional costs as compared to their other refuges. David said there will likely be additional costs for developing the Comprehensive Conservation Plan (CCP), maintaining physical structures to keep people away from areas retained by DOE, and education campaigns regarding residual contamination. He noted an even larger issue is that of Congress and the land